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|-------|------------------|--------------|---------------------|
| DATE | March19, 2009 | TOTAL PAGES: | 4 (Including Cover) |
| TO: | Meyers, Matthew | FAX NO.: | 571-273-8300 |
| FROM: | Jaclyn Alcantara | OPERATOR: | rtb |

RE: Interview request for application Serial No. 10/672,212**MESSAGE**

Examiner Meyers,

I have attached an Interview Request and Agenda for application Serial No. 10/672,212. If we need to change the proposed date or time, please let me know as soon as possible. I can be reached at (913) 647-9050 Ext. 5087.

Otherwise we will contact you at 11:00 AM Eastern on March 20, 2009.

Thanks,
Rachel Bechelmayer

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PTOL-413A (08-08)

Approved for use through 09/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/672,212 First Named Applicant: Smith, Maurice
 Examiner: Meyers, Matthew Art Unit: 3689 Status of Application: Pending

Tentative Participants:(1) Jaclyn S. Alcantara (2) _____

(3) _____ (4) _____

Proposed Date of Interview: March 20, 2009 Proposed Time: 11:00 AM Eastern (AM/PM)

Type of Interview Requested:(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

| Issues (Rej., Obj., etc.) | Claims / Fig. #s | Prior Art | Discussed | Agreed | Not Agreed |
|------------------------------|---------------------|--------------|--------------------------|--------------------------|--------------------------|
| (1) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Continuation Sheet Attached**Brief Description of Arguments to be Presented:**Please see the attached Interview Agenda.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.



Applicant / Applicant's Representative Signature

Jaclyn S. Alcantara

Typed/Printed Name of Applicant or Representative

61,638

Registration Number, if applicable

Examiner / SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.**
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TELEPHONE INTERVIEW AGENDA - March 20, 2009

***Please note that the following is an agenda of topics to be discussed during our telephone interview and should not be entered into record. Thank you.**

PROPOSED AMENDMENT TO CLAIM 1

1. (Currently Amended) A method of evaluating a threat posed by a substance, the method comprising the steps of:

- (a) deploying a plurality of remote sensing units and a control unit adapted to automatically identify detect the substance and to provide generate a corresponding report, wherein the report comprises an image of the substance;
detecting the substance;
generating the report comprising the image of the substance;
- (b) uploading the report to a secure remote server via a system chosen from the group consisting of a cell phone network and a satellite phone network;
- (c) establishing-notifying a hierarchy of threat response and evaluation authorities of the report, wherein the evaluation authorities include a plurality of experts having knowledge relevant to making a high-level threat assessment; and
- (d) allowing the hierarchy of threat response and evaluation authorities to access the report on the remote server via a wide area network.

The Examiner rejected claim 1 under 35 USC 112 for failing to comply with enablement requirements and for indefiniteness. We propose to overcome this rejection with the proposed amended claim 1 above. Specifically, the proposed amended claim 1 replaces the phrase "establishing a hierarchy of threat response and evaluation authorities" with the phrase "notifying a hierarchy of threat response and evaluation authorities of the report". Support for this amendment may be found on page 5, ln 12-15; page 25, ln 10-32; page 26, ln 1-10; and page 28, ln 24-28. Furthermore, we recommend amending part (a) of claim 1 as shown above. Support for the amendments to part (a) of claim 1 may be found on page 5, ln 12-15; page 12, ln 4-11; and page 27, ln 27-32.

PROPOSED AMENDMENT OF CLAIM 11

11. (Currently Amended) The method of claim 10, wherein the remote sensing units act to properly physically orient themselves upon hitting ground to properly position various operational elements of the remote sensing units.

The Examiner rejected claim 11 under 35 USC 112 for failing to comply with enablement requirements and for indefiniteness. We propose amending claim 11 as recited above. Support for this amendment may be found on page 19, ln 1-16. This proposed amendment clarifies that "proper orientation" refers to the physical orientation of the sensing units.

The Examiner also rejected claim 11 under 35 USC 103 in view of Wyatt and UV (PCT/US00/04). Though page 66, lines 1-8 of UV disclose airdropping a sensor, **neither UV**

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nor Wyatt disclose the remote sensing units acting to properly physically orient themselves upon hitting the ground, as in the proposed amended claim 11 above.

ADDRESSING 35 USC 101 REJECTIONS

The Examiner also rejected claim 1 under 35 USC 101, asserting that the claimed invention is directed to non-statutory subject matter. However, we contend that the recitation of "a plurality of remote sensing units and a control unit" as well as "a secure remote server" in claim 1 adequately tie the process to a particular apparatus. However, if the Examiner disagrees with this point, is the Examiner willing to provide guidance during our telephone interview as to what language may be acceptable to adequately tie the process to a particular apparatus?

REJECTION OF CLAIM 3

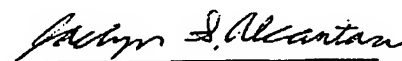
Regarding the Examiner's rejection of claim 3 under 35 USC 103 in view of Wyatt, the Examiner asserts that Wyatt teaches a report comprising an image of the substance. Wyatt teaches performing a set of scattered light measurements by which the target aerosol particles are well classified and/or identified. Page 15 of the Office Action recites "Examiner is interpreting the results of scattered light measurement as image of the substance since scatter light measurements are displayed graphically as images." However, the terms "screen", "display", "graphic", and "image" are not present in Wyatt, and measuring light does not inherently require a displayed result.

Specifically, Wyatt teaches measuring scattered light, sending a signal representing this measurement to a digital signal processing chip, which then sends a resulting set of digitized signals to an on-board central processing unit (CPU). The CPU analyzes the signals to identify or characterize the particles and stores and/or telemeters the data to a remote central station. The central station may also analyze the sets of data, and depending on various factors, may signal alarms or warnings to be sent to potentially threatened regions. (Wyatt, Abstract). None of the steps recited in Wyatt require or suggest displaying scatter light measurements graphically as an image. However, if the Examiner disagrees with this point, the telephone interview may be useful in discussing the merits of this rejection.

Additionally, regarding claim 3, neither Wyatt nor 42 USC 11023 (a) teach "wherein the report includes a magnified image of the substance". The Examiner does not address this limitation in the present Office Action. If no specific prior art reference can be provided which teaches this limitation along with the other limitations of claim 3, we ask that the rejection of claim 3 be withdrawn.

Thank you for your willingness to discuss these matters with me.

Sincerely,



Jaclyn S. Alcantara, Reg. No. 61638